

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JAMES PATTON,

Petitioner,

-vs-

SHERIFF GENE FISCHER et al.,

Respondents.

:

Case No. 3:13-cv-050

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District Judge Timothy S. Black  
Magistrate Judge Michael R. Merz

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**ORDER FOR ANSWER**

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Petitioner James Patton brought this habeas corpus action *pro se* to obtain release from the custody of Sheriff Fischer in which Petitioner is being detained prior to trial. The case has been referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b) and the Dayton General Order of Assignment and Reference.

Upon preliminary consideration pursuant to 28 U.S.C. § 2243, the Court finds that it does not plainly appear from the face of the Petition thereto that the Petitioner is not entitled to relief in this Court. Accordingly, it is hereby ORDERED that Respondent shall, not later than March 11, 2013<sup>1</sup>, file an answer showing the true cause of Petitioner's detention.

Petitioner may, not later than twenty-one days after the answer is filed, file and serve a reply to the answer.

The Clerk is ordered to serve the Petition on Respondent and the Attorney General of Ohio, c/o Assistant Attorney General M. Scott Criss, Sections Coordinator, 150 E. Gay Street,

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<sup>1</sup> Because this Petition is filed by a person who is not convicted, the Court is limited in the amount of time allowed for an answer by 28 U.S.C. § 2243 to twenty days.

16<sup>th</sup> Floor, Columbus, Ohio 43215.

February 19, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge